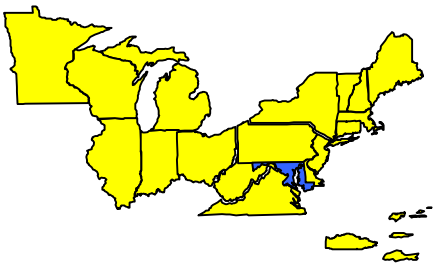
U.S. Army
Northern Regional Environmental Office

Environmental Regulatory Profile

MARYLAND



This document, which will be updated periodically, provides an overview of environmental regulatory programs and issues in Maryland. The impressions and viewpoints expressed herein are those of the Army Northern Regional Environmental Office, and are based on publicly available information and interaction with state of Maryland personnel. Section I describes the principal state regulatory agencies. Section II discusses the state's priorities with regard to current and future program implementation. Section III summarizes environmental regulatory issues affecting Army operations in Maryland and efforts made to address them. Section IV provides a directory of key Maryland executive branch officials and legislative leaders.

I. Environmental Regulatory Agencies

A. Maryland Department of the Environment. The Maryland Department of the Environment (MDE) is an organization of approximately 1,000 personnel that was created in 1987. It is the principal agency in the state responsible to protect and restore the quality of Maryland's air, land and water resources. The main office of MDE is located in Baltimore, with field offices located throughout the state. The field offices are extensions of various offices at the main office in Baltimore. Their primary function is to perform inspections in their area of responsibility. The major organizational elements within the MDE are the Air and Radiation Management Administration, Waste Management Administration, Water Management Administration, and Technical and Regulatory Services Administration. These administrations are responsible for overall program direction, including policy and regulation development.

B. Maryland Department of Natural Resources. The Maryland Department of Natural Resources (DNR) is an organization of 1,350 personnel that was created as a state agency in 1969. Its main office is in Annapolis, with many field offices located throughout the state. The primary mission of the DNR is to oversee the management and wise use of the living and natural resources in the state, including the Chesapeake Bay and its tributaries.

C. Commissions and Other State Agencies. The Maryland Department of Agriculture is the agency responsible for the regulation of pesticides. There are also numerous boards, commissions, committees, and other agencies that affect the state's environmental programs. These organizations include some large interstate organizations such as the Chesapeake Bay Commission, the Mid-Atlantic Regional Air Management Association, and the Northeast Ozone Transport Commission. There are also numerous organizations involved in local, or media-specific issues, such as the Governor's Advisory Board for Hart-Miller Island, the Montgomery County Biological Monitoring Workgroup, the Lead Commission, and the Asbestos Oversight Committee.

D. Citizen Boards. The State of Maryland has numerous citizen boards and advisory councils that support the various environmental programs and assist in representing the public's interests during the regulation development process. Medium-specific boards include the State Water Quality Advisory Council, the Hazardous Substance Advisory Council, the Air Quality Control Advisory Council, and the Radiation Advisory Board.

E. State Primacy. The State of Maryland has primacy to administer all the environmental programs for which states can have primacy with the following exceptions. The U.S. Environmental Protection Agency (USEPA) serves as the lead regulatory agency to oversee the remediation of National Priority Sites (NPL) sites. Maryland also does not have primacy for Resource Conservation and Recovery Act (RCRA) open burning and open detonation operations, and its chlorofluorocarbon (CFC) program, and has not sought primacy for Section 112(r) of the Clean Air Act (Risk Management Plans).

II. Maryland Environmental Priorities

The State of Maryland has developed a long-range environmental strategy. The strategy was initially presented in *Managing Maryland for Results, Fiscal Year 2001 Workplan*. The document reports on Maryland's commitment to using results-based, quality planning and management approaches to achieving its public health and environmental protection goals. The Maryland Department of the Environment has also developed an Annual Report for 2000. The environmental strategy, as presented in both documents, is focused on nine goals:

A. Ensuring the Air is Safe to Breathe. The key areas of emphasis include reducing the amount and frequency of high levels of ground-level ozone; reducing the amount of toxic pollutants discharged into the environment; attaining and maintaining National Ambient Air Quality Standards; reducing the amount of acid rain; ensuring that asbestos removal activities do not endanger human health; and reducing the occurrence of air pollution nuisance conditions, health impacts, and air pollution.

B. Ensuring that Marylanders are not Exposed to Unnecessary Levels of Radiation. The key areas of emphasis include licensing and inspecting users of radioactive materials; registering, certifying, and inspecting radiation machines; and responding to emergencies involving radioactive materials and transportation activities or nuclear power plant operations.

C. Ensuring Safe Drinking Water. The key areas of emphasis include implementing programs to protect source water, groundwater, and public drinking water supplies, and other programs such as oil pollution prevention, and solid waste management**.** Additionally, MDE is addressing the emerging issue of contamination from methyl tertiary butyl ether (MTBE) in public drinking water supplies and private wells.

D. Reducing the Threat to Public Health from the Presence of Hazardous Waste and Hazardous Materials in the Environment. The key areas of emphasis include lead poisoning prevention; environmental restoration; hazardous waste permitting and enforcement; hazardous waste minimization; emergency response to hazardous materials spills and accidents; emergency planning and community right to know; health and ecological risk assessment; noise control; and air pollution control.

E. Ensuring Water is Clean and Safe for Harvesting of Fish and Shellfish. The key areas of emphasis include ensuring that shellfish harvesting waters are safe; and adequately assessing contaminants in fish tissue to ensure that Maryland citizens are not exposed to undue carcinogenic or other health risk from fish and shellfish consumption.

F. Improving and Protecting Maryland's Water Quality. The key areas of emphasis include regulatory activities; voluntary activities; non-point source controls; concentrated animal feeding operations; sewage sludge; abandoned mine reclamation; financial assistance programs; triennial review; and air pollution control.

G. Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources. The key areas of emphasis include maintaining strong regulatory and planning programs to protect tidal and non-tidal wetlands; and developing and maintaining the Governor's Wetlands Restoration Initiative for wetland conservation and creation.

H. Encouraging Smart Growth and Community Revitalization and Protecting and Maintaining Maryland's Natural Resource Land Base. The key areas of emphasis include smart growth implementation; water and sewer infrastructure funding; voluntary cleanup, brownfield assessments, and federal base realignment and closure sites; solid waste planning; recycling; scrap tires; air quality planning; and septic systems.

I. Preventing Pollution and Assisting the Regulated Community with Compliance. The key areas of emphasis include institutionalizing pollution prevention and compliance assistance throughout MDE; providing technical assistance to the regulated community; promoting voluntary activities such as *Businesses for the Bay*; and integrating pollution prevention or environmental restoration into enforcement activities through programs such as Supplemental Environmental Projects.

III. Environmental Regulatory Issues Affecting Army Operations

A. Vehicle Enhanced Inspection and Maintenance Program. Regulations implementing the Clean Air Act Amendments of 1990 (40 CFR 51.356) require that vehicles operated on federal facilities located in areas of serious, severe, or extreme ozone or carbon monoxide non-attainment be tested, regardless of whether the vehicles are registered in the state or the local non-attainment area in which the federal facility resides. Maryland is considering how to implement the program.

B. Diesel Vehicle Emissions Control Program. The Maryland Department of the Environment (MDE) established a Diesel Vehicle Emissions Control Program in 2000. Under the program, in-state, and out-of-state, and military vehicles are tested for compliance against an opacity standard. At random roadside test locations vehicles that are observed to be emitting smoke are targeted for testing. Any vehicle that fails the test is required to later demonstrate compliance, or the owner is subject to a fine of up to $1,000

C. Wetlands Restoration. A steering committee of state, federal and local agencies, business and developmental interests, mining and agricultural interests, and environmental groups has been appointed by the Governor to provide guidance on wetlands restoration opportunities and advise on the development of the State Wetland Conservation Plan. Maryland has established a policy of "no net loss" of wetlands by including a specific target to increase the State's wetland acreage base by ten percent.

D. Source Water Assessment Plan. MDE's Source Water Assessment Plan was approved by USEPA in November 1999. The plan, which is a result of the 1996 Amendments to the Safe Drinking Water Act, assesses drinking water sources using source water delineation, contaminant surveys and susceptibility analysis. The assessment will include 3,600 small and large water systems in the state. Maryland plans to complete the assessment process by the May 2003 deadline. MDE will then develop protection programs to improve the integrity of the water supply.

E. Methyl Tertiary Butyl Ether (MTBE). The Governor created an MTBE Task Force in 2000 consisting of 16 members from various government agencies, the petroleum industry, health related professionals, and the ethanol industry. The Task Force is charged with: determining and assessing the environmental and health risks associated with ground and surface water contamination from MTBE; examining national and regional efforts regarding MTBE contamination; recommending a plan to minimize and counteract the risks associated with MTBE; and exploring alternatives to MTBE. The Task Force prepared a preliminary report in 2000 and will provide a final report by 1 December 2001.

F. Total Maximum Daily Loads (TMDLs). The Clean Water Act requires the state to establish a TMDL for each body of water that is impaired. TMDLs have been a top priority for MDE over the past several years. Maryland currently identified over 130 impaired water bodies. Various combinations of water bodies and pollutants result in over 350 TMDLs statewide. Since this requires coordination of monitoring and permitting, MDE is in the process of revising its monitoring program and permit issuance procedures to allow them to be synchronized within a watershed on a five-year cyclical basis.

G. X-Ray Facilities. MDE has focused attention on the very poor rate of compliance that has been found at the more than 12,000 x-ray machines in the state. Dental x-ray machines are of particular concern in this regard, for MDE has found that only one of every six dental facilities is meeting all significant requirements at initial inspection. Because of the importance of dental facilities, MDE is committed to working with this particular regulated community to improve the compliance rate.

H. Environmental Permit Service Center (EPSC). The EPSC is an initial point of contact at MDE for persons seeking or inquiring about environmental permits and a clearinghouse for information about permits and pollution prevention. EPSC helps its customers identify, understand and comply with regulatory requirements that apply to their projects. When a project involves multiple permits, EPSC arranges consultative meetings between the customer and appropriate MDE permitting programs. For additional information, contact EPSC at 410-631-EPSC.

I. Maryland Web Page. Maryland has expended considerable effort in developing a comprehensive website. Included on the web page are links to many state departments and organizations. Both the Maryland Department of the Environmental and the Department of Natural Resources have extensive pages on the site.

- Maryland Electronic Capital – http://www.state.md.us
- Maryland Department of the Environment – http://www.mde.state.md.us
- Department of Natural Resources – http://www.dnr.state.md.us

J. Regulatory Standards and Accountability. MDE has had a continual program to work with all its stakeholders to systematically review its permitting and regulatory programs. In 1996, as part of this overall process, the Governor issued Executive Order 01.01.1996.03, Regulatory Standards and Accountability, which specifies the criteria and process for the state to promulgate a regulation that is more restrictive or stringent than an applicable standard established under federal law or regulation.